

AMENDED IN ASSEMBLY AUGUST 23, 2004

AMENDED IN ASSEMBLY JUNE 29, 2004

AMENDED IN ASSEMBLY JUNE 7, 2004

AMENDED IN SENATE MAY 7, 2003

AMENDED IN SENATE APRIL 28, 2003

## SENATE BILL

No. 592

Introduced by ~~Senators Figueroa and Vasconcellos~~ Senator  
Denham

(Principal coauthors: ~~Assembly Members Dutra, Lieber, and Salinas~~)  
(Principal coauthors: *Assembly Members Aghazarian, Berg, Cogdill,  
Matthews, and Mullin*)

February 20, 2003

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~~An act to add Chapter 13 (commencing with Section 43003) to Part 24 of Division 3 of Title 2 of the Education Code, relating to schools, and declaring the urgency thereof, to take effect immediately. An act to add Sections 15202.2 and 15202.3 to the Government Code, relating to local government finance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.~~

### LEGISLATIVE COUNSEL'S DIGEST

SB 592, as amended, ~~Figueroa~~ Denham. ~~School finance: parcel tax~~  
*Local government finance.*

*Existing law authorizes counties to apply to the Controller for partial reimbursement of expenses incurred for homicide trials.*

*The Budget Act of 2004 provides for payment to counties for costs of homicide trials and specifies the procedure for a county to apply to the Controller for that reimbursement under certain criteria.*

*The bill would require the Controller to reimburse a county having a population below a specified level for 100% of the allowable costs in a case in which the trial venue has been changed from that county to a location more than 60 miles from the county seat of that county.*

*This bill would provide that, notwithstanding any other provision of law, funds appropriated by the Budget Act of 2004 shall be available for reimbursement of 100% of the costs incurred by the County of Stanislaus for the homicide prosecution of Scott Peterson. The bill would also provide that, notwithstanding any other provision of law, requests for reimbursement of local agency costs for homicide trials shall be reviewed by the Controller prior to payment and would specify standards for reimbursement by the Controller.*

*This bill would declare that it is to take effect immediately as an urgency statute.*

~~Existing property tax law limits the amount of ad valorem tax on real property to 1% of the full cash value of the property. Existing law also authorizes certain entities to levy special taxes, such as parcel taxes, subject to certain requirements.~~

~~This bill would authorize the Santa Clara County Board of Supervisors or the Santa Clara County Board of Education to levy a countywide parcel tax of no more than 8 years in duration if an ordinance or resolution proposing the tax is approved by a majority vote of all the members of the Santa Clara County Board of Supervisors or the Santa Clara County Board of Education, as applicable, and a  $\frac{2}{3}$  vote of qualified voters in the county, as specified. The proceeds of the tax would be distributed by the Santa Clara County Board of Supervisors or the Santa Clara County Office of Education to that entity, and to county school districts for purposes, and in the manner, specified in the local ordinance or resolution proposing the parcel tax.~~

~~This bill would make legislative findings and declarations as to the necessity of a special statute.~~

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

~~Vote:  $\frac{2}{3}$ . Appropriation: ~~no~~ yes. Fiscal committee: ~~no~~ yes. State-mandated local program: no.~~

*The people of the State of California do enact as follows:*

~~SECTION 1. Chapter 13 (commencing with Section 43003)~~

SECTION 1. *Section 15202.2 is added to the Government Code, to read:*

15202.2. *Notwithstanding any other provision of law, if the venue for the trial of a homicide case has been changed from a county that is eligible for reimbursement under subdivision (a) or (b) of Section 15202 to a location more than 60 miles from the county seat of that county, the Controller shall reimburse the county from which the venue was transferred for 100 percent of the allowable costs incurred by that county.*

SEC. 2. *Section 15202.3 is added to the Government Code, to read:*

15202.3. (a) *Notwithstanding any other provision of law, requests for reimbursement of local agency costs for homicide trials shall be reviewed by the Controller prior to payment.*

(b) *The Controller shall not reimburse any local agency for costs incurred pursuant to Section 15202 that exceed the California Victim Compensation and Government Claims Board's standards for travel and per diem expenses. The Controller may reimburse extraordinary costs in unusual cases if the local agency provides sufficient justification of the need for these expenditures. Nothing in this section shall permit the reimbursement of costs for travel in excess of 1,000 miles on any single round trip, without the prior approval of the Attorney General.*

(c) *The Controller shall reimburse local agencies for reasonable and necessary expenses incurred pursuant to Section 15202, except that reimbursements to a local agency shall not exceed the following:*

(1) *For attorney services, an hourly rate equal to that county's average hourly cost for public defenders, the hourly rate paid to appointed counsel, or the hourly rate charged state agencies by the Attorney General for attorney services, whichever rate is less.*

(2) *For investigators, an hourly rate equal to that county's average hourly cost for county-employed investigators or the hourly rate charged state agencies by the Attorney General for investigators, whichever rate is less.*

(3) *For expert witnesses, the hourly rate that the county generally pays for these services.*

1 SEC. 3. (a) Notwithstanding any other provision of law,  
2 funds appropriated by Item 8180-101-0001 of the Budget Act of  
3 2004 shall be available for reimbursement of 100 percent of the  
4 costs incurred by the County of Stanislaus and the City of Modesto  
5 for the homicide investigation and prosecution of Scott Peterson.

6 (b) Notwithstanding any other section of law, for any county  
7 with a population of 50,000 or less funds, appropriated by Item  
8 8180-101-0001 of the Budget Act of 2004 shall be available for  
9 reimbursement of 100 percent of the costs incurred for the conduct  
10 of a homicide trial.

11 SEC. 4. This act is an urgency statute necessary for the  
12 immediate preservation of the public peace, health, or safety  
13 within the meaning of Article IV of the Constitution and shall go  
14 into immediate effect. The facts constituting the necessity are:

15 In order to provide the County of Stanislaus, the City of  
16 Modesto, and certain small counties with urgently needed fiscal  
17 assistance at the earliest possible time, it is necessary that this act  
18 take effect immediately.

19 ~~is added to Part 24 of Division 3 of Title 2 of the Education Code,~~  
20 ~~to read:~~

21  
22 CHAPTER 13. ~~VOTER-APPROVED SPECIAL TAXES~~  
23

24 ~~43003. (a) The Santa Clara County Board of Supervisors or~~  
25 ~~the Santa Clara County Board of Education may impose a~~  
26 ~~countywide parcel tax, the net proceeds from which will be~~  
27 ~~distributed exclusively among county school districts and the~~  
28 ~~county office of education, if all of the following conditions are~~  
29 ~~met:~~

30 ~~(1) An ordinance or resolution proposing the parcel tax is~~  
31 ~~approved by a majority vote of all of the members of the Santa~~  
32 ~~Clara County Board of Supervisors or the Santa Clara County~~  
33 ~~Board of Education.~~

34 ~~(2) The ordinance or resolution proposing the parcel tax is~~  
35 ~~approved by a two-thirds vote of the qualified voters of the county~~  
36 ~~voting in an election on the issue.~~

37 ~~(3) The local ordinance or resolution proposing the parcel tax~~  
38 ~~limits the imposition of the proposed tax to a period not to exceed~~  
39 ~~eight years in length.~~

1 ~~(b) The tax imposed pursuant to this section is a special tax for~~  
2 ~~purposes of the California Constitution and Article 3.7~~  
3 ~~(commencing with Section 53720) of Chapter 4 of Division 2 of~~  
4 ~~Title 5 of the Government Code.~~

5 ~~43004. The net proceeds of the parcel tax specified in Section~~  
6 ~~43003 shall be distributed by the Santa Clara County Board of~~  
7 ~~Supervisors or the Santa Clara County Office of Education for~~  
8 ~~those purposes, and in the manner specified, in the local ordinance~~  
9 ~~or resolution proposing the parcel tax.~~

10 ~~SEC. 2. The Legislature finds and declares that a special law~~  
11 ~~is necessary and that a general law cannot be made applicable~~  
12 ~~within the meaning of Section 16 of Article IV of the California~~  
13 ~~Constitution because of the uniquely severe fiscal and program~~  
14 ~~difficulties being suffered by educational entities in the County of~~  
15 ~~Santa Clara.~~

16 ~~SEC. 3. This act is an urgency statute necessary for the~~  
17 ~~immediate preservation of the public peace, health, or safety~~  
18 ~~within the meaning of Article IV of the Constitution and shall go~~  
19 ~~into immediate effect. The facts constituting the necessity are:~~

20 ~~In order to timely improve educational quality and the literacy~~  
21 ~~rate in the Santa Clara County school districts, it is necessary that~~  
22 ~~this act take effect immediately.~~